Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
12421	10-30-2023	C3	4	3
6. Status: Approved Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 10/9/2023
8a. Landowner, applicant New to system □	Person ID 29267 Add Seq#	8c. Landowne		Person IDAdd Seq#
MILLER FARMS OF DEE Attn: MONTE R MILLER 2413 ROAD Y DEERFIELD, KS 67838	RFIELD INC			
8b. Landowner(s) New to system ☐ CROSS BELL FARMS 2411 ROAD Y DEERFIELD, KS 67838	Person ID <u>28742</u> Add Seq#	8d. WUC New to sy 8a	stem □	Person ID 40999 Add Seq#
9. Documents and Enclosure(s): ☑ DV ☐ Anti-Reverse Meter ☐ Meter ☐ Conservation Plan Date Requir		□ N & P Form	☐ Water Tube ☐ D	Comply: H & E Letter Comply:
10. Use Made of Water From:	T	To: _	, i	
			Date Prepared: 10/30 / Date Entered:	/2023 ву: МАМ Ву:

File No.	1242	1		11	1. Count	ty: KE	Ва	sin: Al	RKAN	SAS R	IVER			S	tream:	6			1			Fo	ormation Code:	Special Use:
12. Poir CHK MOD DEL	nts of Div	ersion	1											9,					and Q Author	uantity		A	dditional	
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CHK 388	315																							
CHK 614	140																		-					
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	Corre	ction I	_ots																					

Garden City Field Office 4532 W. Jones, Suite B Garden City, KS 67846



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

October 30, 2023

MILLER FARMS OF DEERFIELD INC Attn: MONTE R MILLER 2413 ROAD Y DEERFIELD, KS 67838

RE:

Field Office Application for Change

Vested Right, File No. KE 002

Water Right, File Nos. 1473, 12421, 13914, 15925, 18130, 21792

Dear Sir:

Enclosed are orders executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Water Commissioner

MAM:

Enclosures

Cross bell Farms pc:

CERTIFICATE OF SERVICE

On this 30th day of October 2023, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Vested Right, File No. KE 002, Water Right, File Nos. 1473, 12421, 13914, 15925, 18130, 21792 dated 30th day of October 2023 was mailed postage prepaid, first class, US mail to the following:

MILLER FARMS OF DEERFIELD INC Attn: MONTE R MILLER 2413 ROAD Y DEERFIELD, KS 67838

pc:

CROSS BELL FARMS 2411 ROAD Y DEERFIELD, KS 67838

Division of Water Resources Staff

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address: Topeka -- (785) 296-5733

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use

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						F	ile No	. <u>1242</u>	1					•			00	48as	2023
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APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 12421

MAKE ADDITIONAL COPIES AS NECESSARY

3. Continued: The presently authorized place of use is:

Owner of Land ---- NAME: Miller Farms of Deerfield, Inc.

ADDRESS: 2413 Road Y, Deerfield, KS 67838

		1		NE	≣1⁄4			NV	V1/4			SV	V1⁄4		V	SE	=1/4	11	TOTAL
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Owner of Land ---- NAME: Cross Bell Farms

ADDRESS: 2411 Road Y, Deerfield, KS 67838

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4	23	35 W	34	34	34	34	34	34	34	34	40	40	40	40	40	40	36	15	563
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Owner of Land ---- NAME: Elaine Scheuerman

ADDRESS: 571 N 8th Street, Garden City, KS 67846

				NE	Ξ1⁄4	1.	1 /	NV	V1/4	1 1		SV	V1/4			SE	1/4		TOTAL
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4. Continued: If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: Miller Farms of Deerfield, Inc.

ADDRESS: 2413 Road Y, Deerfield, KS 67838

				NE	Ξ1∕4			NV	V1/4		1	sv	V1/4	,		SE	Ξ1/4	<u> </u>	TOTAL
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9	23	35 W	40	40	40	40	40	40	40	40	4	and the same					46	4	320
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Owner of Land ---- NAME: Cross Bell Farms

ADDRESS: 2411 Road Y, Deerfield, KS 67838

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4	23	35 W	34	34	34	34	34	34	34	34	40	40	40	40	40	40	36	15	563
33	22	35 W			Y .		40	40	33	40	40	36.4	40	40	26.4	30	35	24	434.8
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Owner of Land --- NAME: Elaine Scheuerman (water Night reserved from this land

ADDRESS: 571 N 8th Street, Garden City, KS 67846

				NE	Ξ1⁄4		164	NV	V1/4			SV	V1/4			SE	1/4		TOTAL
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Presently	y authorized po	oint of diversion:		Aug a
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(a) What	are you going to	o do with the old well?		100 100
(a) What (b) When	are you going to	e?t District recommendation attached?		100 100

If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property authorized point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location. lines

14. If the proposed groundwater point of diversion is 300 or fewer feet f	rom the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently aut ☐ Yes ☐ No (If no, all owners must sign this app	
 (b) Will the ownership interest of any owner of the currently authoral affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this application) 	
(c) If this application is not approved expeditiously, will there be su ☐ Yes ☐ No (If no, all owners must sign this app	
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owner agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirrage and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appointment in this application are true, correct and complete.	orized agent of the owner(s) to make this application on oplication pertains. I further verify that the statements
Dated at Sarden City, Kansas, this	s 4th day of October, 20_23.
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of Finney SS	1) th
I hereby certify that the foregoing application was signed in of	GALLANDING and sworn to before me this day
The state of the s	
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, a accurate information; maps, if necessary, must be included; signatures of all the atthe appropriate fee must be paid.	Il of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
FEE SCHED	<u>ULE</u>
Each application to change the place of use or the point of diversion unc forth in the schedule below: Make checks payable to: Kansas Departn (1) Application to change a point of diversion 300 feet or less.	der this section shall be accompanied by the application fee set nent of Agriculture\$100
(2) Application to change a point of diversion more than 300 fee(3) Application to change the place of use	st\$200 \$200
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SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 12421 2023 A change application was received on requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application. 2. the topographic map accompanying the application to change the place of use. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a radius of the authorized point(s) of diversion.

Applicable Not Applicable The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.

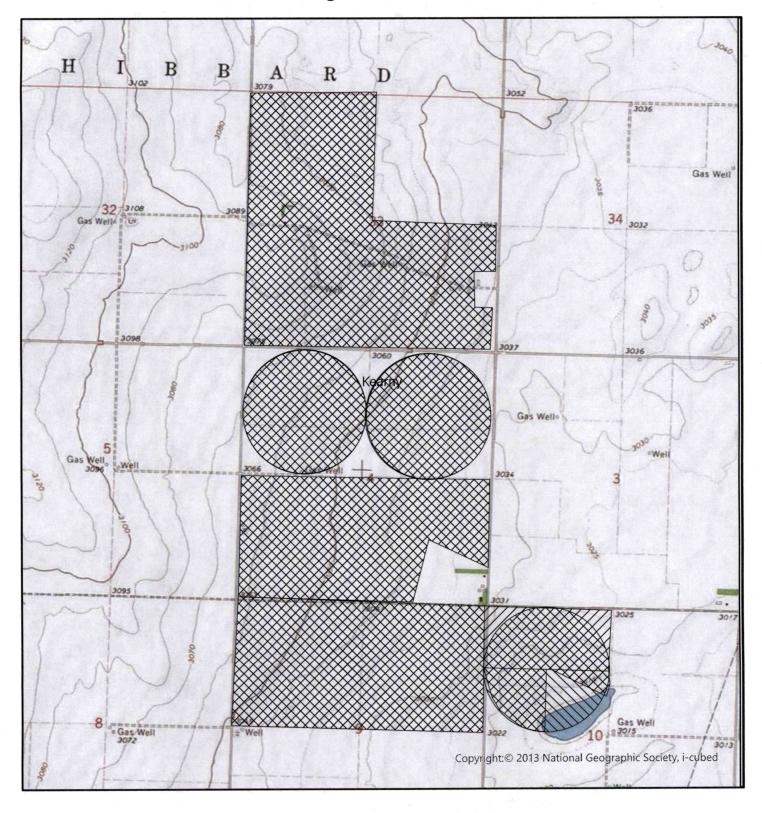
Applicable Not Applicable The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion.

Applicable Not Applicable feet from the previously As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.

Applicable

Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20_25/, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Not Applicable Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20 or within any authorized extension of time. By March 1, 20 ____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. ☐ Applicable Not Applicable The completed well log shall be submitted with the required notice. Mot Applicable ☐ Applicable 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable
Not Applicable No 11. Additional Conditions are attached. ☐ Yes 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief SUMMARY ORDER ISSUED Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for By: Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within **30** days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Acknowledged before me on Signature Notary Public **AARON T. HOLSTED** NOTARY My Appointment Expires My commission expires (Notary M94 48), 2027

WR KE-02, 1472, 12421, 13914, 15925, 18130, 21792 Change in Place of Use





Garden City Field Office 4532 W. Jones, Suite B Garden City, KS 67846



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

October 9, 2023

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3 2009 E SPRUCE ST GARDEN CITY KS 67846

Re:

Request for Recommendation

Vested Right, File No. KE 002, Water Right, File Nos. 1473, 12421, 13914,

15925, 18130, 21792,

Dear Mr. Norquest:

This is to advise you that Monte Miller has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use.

We are delaying action on the change application to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

Michael A. Meyer

Water Commissioner

MAM Enclosures